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09/668,105	09/22/2000	Chen Feng	TELNP215US	9584

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EXAMINER

SHAHER, RICKY D

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 01/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,105

Applicant(s)

FENG

Examiner

R.D. SHAFER

Group Art Unit

2872

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 9/22/00

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 1-25 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☒ The drawing(s) filed on 9/22/00 is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. . . .

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: . . .

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other . . .

Office Action Summary

Art Unit: 2872

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 14-17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bressers ('295).

Bressers discloses an assembly comprising a housing (H) with an opening (0), an image sensor (13) with an aperture (A), a prism (6) and a lens (4), note fig. 1.

2. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Guillot et al ('037).

Guillot et al discloses an assembly comprising an image sensor (16) having an aperture (A), a prism (32) and housing (21), wherein said prism comprises a first planar face [32(e)] and a second planar face [32(c)]. Note figures 2 and 3.

3. Claims 1-5, 8, 9, 12, 14-18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogura et al (560).

Ogura et al discloses an assembly comprising a housing (72, 73) with an opening, an image sensor (2) with an aperture, prism (G4) and a lens (60-63), note by example only, figures 11 and 23.

4. Claims 1-5, 8, 9, 12, 17, 18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shepard ('711).

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Shepard discloses an assembly comprising a housing (19) with an opening (26), an image sensor (42) with an aperture (56) and a prism (22). Note figures 1-4.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura et al ('560).

Ogura et al discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that a transparent low loss adhesive is employed for adhering the prism to the aperture.

It is well known to use a transparent low loss adhesive in same field of endeavor for the purpose the of adhering optical elements to an supporting structure.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the adhesive of Ogura et al to include a typical transparent low loss adhesive, as is commonly used and employed in the optical art, in order to reduce or prevent optical interference.

As to the limitation of claim 13, it well known to integrate a lens and a prism in the same field of endeavor for the purpose of obtaining a single optical element.

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Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify lens (63) and the prism of Ogura et al to include a single prism element having a spherical convex shape, as is well known in the art, in order to reduce the overall size of the optical assembly.

6. Claims 6, 7, 10, 11, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shepard ('711).

Shepard discloses all of the subject matter claimed, note the above explanation, except for the first face of the prism being adapted to cover and seal the opening.

It is well known to use a cover to seal an optical opening in the same field of endeavor for the purpose of preventing moisture, dust and/or other harmful elements from entering an assembly.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the opening of Shepard to include a cover, as is well known in the optical art, or alternatively modify the size and/or shape of the opening such that the outer surface of the prism serves as a cover in order to prevent moisture, dust and/or other harmful elements from entering said assembly. Note In re Rose, 105 USPQ 137, In re Aller et al, 105 USPQ 233 and In re Dailey, et al 149 USPQ 47.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first face of the prism being a

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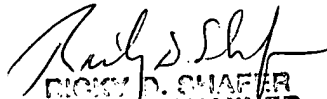
spherical convex shape and the lens being mounted within the housing and on the housing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

8. The drawings are objected to because figures "5A" and "5B", described in the specification, have not been illustrated and/or provided and element 326, disclosed on page 10 of the specification, has not been illustrated. Correction is required.

9. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

Shafer/ds

12/22/01


RICHARD D. SHAFER
PATENT EXAMINER
ART UNIT 2872